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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,592	02/25/2002	Ronald L. Cravens	56510.10002	5751

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HUSCH BLACKWELL SANDERS LLP  
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EXAMINER
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OGUNBIYI, OLUWATOSIN A

ART UNIT	PAPER NUMBER
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1645

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08/10/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/084,592	<b>Applicant(s)</b> CRAVENS, RONALD L.	
	<b>Examiner</b> OLUWATOSIN OGUNBIYI	<b>Art Unit</b> 1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 23 and 27-43 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23 and 27-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/8/09 and 11/18/09</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/09 has been entered.

Claims 1-13, 16-22 and 24-26 have been cancelled.

Claims 14-15, 23, and 27-43 are pending.

Claims 27, 28, and 30 have been amended.

Claims 36-43 are new.

Claims 23, and 27-43 are under examination.

Claims 14 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.42(b) as being drawn to a nonelected invention, there being no allowable generic claim. Election was made **without** traverse in the reply filed on 9/10/08.

***Information Disclosure Statement***

2 The information disclosure statement filed 12/08/09 and 11/18/09 has been considered and an initialed copy is enclosed.

***Claim Objections-Withdrawn***

3 The objection to claim 17 and 27 is withdrawn in view of the cancellation of claim 17 and the amendment to claim 27.

***Claim Rejections - Withdrawn***

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4 The rejection of claims 17-35 under 35 U.S.C. 112, second paragraph, is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

5 The rejection of claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) in view of Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

6 The rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 above, further in view of Emery et al. US 5,906,826 May 25, 1999 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

7 The rejection of claim 25 and 34 under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 above, further in view of Demello et al. US 5,846,830 Dec. 8, 1998 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

8 The rejection of claims 17, 18, 21, 22, 26, 27, 28, 31, 32 and 35 under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 in view of Gallili et al. US 6,541,001 B1 April. 1, 2003 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

9 The rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 26, 27, 28, 31,

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32 and 35 above, further in view of Emery et al. US 5,906,826 May 25, 1999 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

10 The rejection of claim 25 and 34 under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 26, 27, 28, 31, 32 and 35 above, further in view of Demello et al. US 5,846,830 Dec. 8, 1998 is withdrawn in view of the amendment to claim 27 and the cancellation of claim 17.

11 The rejection of claims 17, 22, 25, 26, 27, 32, 34 and 35 under 35 U.S.C. 103(a) as being unpatentable over Squires et al US 6,350,784 B1 Feb. 26, 2002 (filed March 26, 1997) in view of Reynolds et al US 5,753,244 May 19, 1998 is withdrawn in view of the cancellation of claim 17 and the amendment to claim 27

12 The rejection of claims 18-20, 23-24, 28-30 and 33 under 35 U.S.C. 103(a) as being unpatentable over Squires et al US 6,350,784 B1 Feb. 26, 2002 and Reynolds et al US 5,753,244 May 19, 1998 as applied to claims 17, 22, 25, 26, 27, 32, 34 and 35 above, further in view of Callaghan et al US 6,410,062 B1 (June 25, 2002 filed Jun. 2, 2000) is withdrawn in view of the cancellation of claim 17 and the amendment to claim 27.

### ***New Rejections Based on Amendment***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13 Claims 36 and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

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reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **This is a new matter rejection.**

The claims recite "wherein the post application identifier is observable on the exterior of the animal immediately upon application and for at least one hour". The specification as file does not disclose compositions comprising post application identifiers that are applied *directly to the exterior of the muzzle and are observable on the exterior of the animal immediately upon application and for at least one hour.*

Applicants are respectfully requested to point to the specification by page and by line number for where support exists for claims 36 and 43 directed to post application identifiers that are applied *directly to the exterior of the muzzle and are observable on the exterior of the animal immediately upon application and for at least one hour*, or cancel the new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14 Claim 23 and 36-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "veterinary prophylactic agent" . There is insufficient antecedent basis for this limitation in the claim because claim 27 from which claim 23 depends recites "prophylactic agent" .

Claims 36 and 43 recites the limitation " wherein the post application identifier is observable on the exterior of the animal immediately upon application and for at least one hour". There is insufficient antecedent basis for this limitation in the claim because in independent claims 27 and 37 the composition comprising the post application

identifier is applied directly to the "exterior of the muzzle" and not to the broader limitation of the "exterior of the animal".

In claim 37 line 7, where the claim recites "at least one biological". Does Applicant mean "at least one biological agent"?

Claim 37 recites the limitation "said livestock animal's" in line 9. There is insufficient antecedent basis for this limitation in the claim because line 1 recites "bovine animal". A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c).

Claim 39 recites the limitation "said antigen". There is insufficient antecedent basis for this limitation in claim 37 from which claim 39 depends because claim 37 does not recite "antigen".

Claim 41 recites the limitation "prophylactic composition". There is insufficient antecedent basis for this limitation in claims 37 and 39 from which claim 41 depends because claims 37 or 39 do not recite "prophylactic composition". Independent claim 37 recites "immunizing composition".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15 Claims 27, 28, 31-33, 35-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000 (cited previously) in view of Hasker et al. (Australian Journal of Experimental Agriculture, 1989, 29, 765-9, cited in IDS) and as evidenced by Madey, Judith. (The Other End of the Cow. (*In context #16*. fall, 2006, p 13-17; 2006). Retrieved online on 7/27/10 at <http://www.natureinstitute.org/pub/ic/ic16/cow.htm>).

Claims 27 and dependent claims are drawn to a method for treating a livestock animal to achieve a positive effect on the health of said livestock animal comprising: applying at least a single effective dose of a prophylactic composition directly to the exterior of the muzzle of said livestock animal, wherein said livestock animal distributes said single effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said livestock animal cleans said muzzle with its tongue, wherein said prophylactic composition includes at least one prophylactic agent and post-application identifier.

Claim 37 and dependent claims are drawn to a method for immunizing a bovine animal comprising: applying at least a single effective dose of an immunizing composition directly to the exterior of the muzzle of said bovine animal, wherein said bovine animal distributes said single effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said bovine animal cleans said muzzle with its tongue, wherein said immunizing composition includes at least one biological and a post-application identifier, wherein said post-application identifier is detectable on the exterior of said livestock animal's muzzle.



*Claim interpretation of claim 37: In claim 37 line 7, where the claim recites "at least one biological", for the purposes of this rejection this is interpreted to mean "at least one biological agent"*

Gallili et al teach a method of treating a cattle or bovine or (livestock animal ) to achieve a positive effect on the health of said livestock animal or immunizing said bovine animal comprising applying at least a single effective dose of a prophylactic composition or immunizing composition or vaccine (i.e. a pharmaceutical) comprising at least one biological agent to said animal wherein the prophylactic or immunizing composition or vaccine comprises a post application identifier such as colorants or light visible dyes such as amaranth red dye, tatrazine yellow, indigo carmine blue or mixtures resulting in distinctive hues. See abstract, column 1 lines 15-27, column 9 lines 9- 17, column 11 lines 17-19, column 14, lines 41 to 42, column 21 lines 15-67, column 22-24 and claims 1-50.

Said vaccine can be applied with a brush or spayed. See column 12 lines 50-58.

Said prophylactic composition or immunizing composition or vaccine or pharmaceutical comprises excipients such as viscosity enhancer such as glidants and adhesive enhancer such as adhesives. See column 10 lines 40-45.

Gallili et al does not teach that said single effective dose of a prophylactic composition is applied directly to the exterior of the muzzle of the bovine or cattle , wherein said bovine or cattle distributes said single effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said livestock animal cleans said muzzle with its tongue.

Hasker et al teaches the use of licking behavior of cattle to administer medicaments (see title) and one of the licking behavior observed is that cattle lick themselves. See abstract, p. 767 'under yard study', Table 1-6. Hasker et al divides the cattle into licking sites one of which includes the muzzle, head and neck (see site 1 fig. 2). Hasker et al teach that for licking behavior to be a practical means for administering medicaments, after treatment, animals must lick themselves. Hasker et al teach that

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research suggests the possibility of successfully using licking behavior to administer medicaments to animals by applying the medicament to the coat. See p. 769 under discussion.

As evidenced by Madey et al, it is general knowledge that one of the inherent licking behavior of the cow is to clean her muzzle with her tongue which includes licking the mouth and nostrils and is able to use tongue to distribute a substance into its mouth and nasal cavity. See p. 4 or 5 of print out of Madey et al.

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to have applied the composition of Gallili et al directly to the exterior of the muzzle of said bovine (a livestock animal) so that the bovine uses its tongue to lick said composition and distribute into the oral and/or nasal cavity when said animal inherently cleans its muzzle with its tongue, thus resulting in the instant invention with a reasonable expectation of success. The motivation to do so is because Hasker et teach or suggest that one of skill in the art can use the licking behavior of cattle to administer medicaments by applying the medicant directly to the coat and Hasker et al teach or suggest that one of the areas that are licked by the cattle includes the head area which comprises the muzzle (see site 1 in fig. 2 of Hasker et al) and moreover, as evidenced by Madey et al, cattle or bovine or cows inherently clean their muzzle which includes licking the mouth and nostrils and have the ability of distributing a substance into its mouth and nasal cavity using its tongue and one of ordinary skill in the art at the time the instant invention was made would have taken advantage of the cleaning of the muzzle and apply the composition of Gallili et al directly unto the muzzle so that the bovine would use its natural inherent licking/cleaning of its muzzle to distribute the composition into its oral and/or nasal cavity. One of ordinary skill in the art at the time the instant invention was made would have done so because Hasker et al teach that licking behavior of cattle can be taken advantage of to administer medicaments and one of ordinary skill in the art would have had a reasonable expectation of success.

As to the limitation that the post-application identifier is observable or detectable on the exterior of the animal for at least one hour, the dyes of the composition of Gallili et al would be observable or detectable on the exterior of the muzzle after application and for at least one hour as evidenced by the fact that the dyes are still present and observable in the composition even after weeks or days. See Gallili et al examples A-D columns 22-24.

See support for instant rationale for prima facie case of obviousness cited in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395-97 (2007): Some Teaching, Suggestion, or Motivation in the Prior Art That Would Have Led One of Ordinary Skill To Modify the Prior Art Reference or To Combine Prior Art Reference Teachings To Arrive at the Claimed Invention.

16 Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000 and Hasker et al. (Australian Journal of Experimental Agriculture, 1989, 29, 765-9) as evidenced by Madey, Judith. (The Other End of the Cow. (*In context #16*. fall, 2006, p 13-17; 2006. retrieved online on 7/27/10 at <http://www.natureinstitute.org/pub/ic/ic16/cow.htm>) as applied to claims 27, 28, 31-33, 35-40 and 43 above, further in view of Emery et al. US 5,906,826 May 25, 1999.

The combination of Gallili et al and Hasker et al as evidenced by Madey is set forth supra. Said combination does not teach that the veterinary prophylactic agent comprises at least one preservative agent such as an antibiotic, antibacterial or antifungal agent.

Emery et al teach that additives are added to a prophylactic composition e.g. vaccines wherein the additives are an antibiotic, thimerosal (antifungal, antibacterial) and others such as formalin, glutaraldehyde (see column 2 lines 29-36 and column 9 lines 20 to 27).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to have added an antibiotic to the vaccine of Gallili et al and Hasker et al as evidenced by Madey as combined, thus resulting in the instant invention with a reasonable expectation of success. The motivation to do so is in order to preserve and stabilize the vaccine as taught by Emery et al (column 9 lines 20-27).

17      Claims 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000 and Hasker et al. (Australian Journal of Experimental Agriculture, 1989, 29, 765-9) as evidenced by Madey, Judith. (The Other End of the Cow. (*In context #16*. fall, 2006, p 13-17; 2006. retrieved online on 7/27/10 at <http://www.natureinstitute.org/pub/ic/ic16/cow.htm>)) as applied to claims 27, 28, 31-33, 35-40 and 43 above, further in view of Demello et al. US 5,846,830 Dec. 8, 1998.

The combination of Gallili et al and Hasker et al as evidenced by Madey is set forth supra. Said combination does not teach that the dye is a UV dye.

Demello et al teach other dyes such as fluorescein which can be used as a marker or identifier. See column 3 lines 48-67 and column 4 lines 1-8.

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to substitute the dye of the composition of Gallili et al and Hasker et al as evidenced by Madey as combined with another dye also useful as a marker such as the fluorescein dye taught by Demello et al, thus resulting in the instant invention with a reasonable expectation of success. The rationale to support a conclusion that the claim would have been obvious is that the substitution of one known element for another yields predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395-97 (2007): Simple substitution of one known element for another to obtain predictable results.

The composition of Gallili et al and Hasker et al as evidenced by Madey differs from the claimed invention by the substitution of the dyes of Demello et al. The functions of each of the dyes were known in the art i.e. they are markers or identifiers. One of ordinary skill in the art would have substituted the dye of Gallili et al and Hasker et al as evidenced by Madey with that of Demello et al, and the result of the substitution would have been predictable i.e. a prophylactic composition or immunizing composition or vaccine (i.e. a pharmaceutical) comprising at least one biological agent and a post application identifier i.e. the UV dye of Demello et al which would act as an identification agent.

18 Claims 29-30 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000 and Hasker et al. (Australian Journal of Experimental Agriculture, 1989, 29, 765-9) as evidenced by Madey, Judith. (The Other End of the Cow. (*In context* #16. fall, 2006, p 13-17; 2006. retrieved online on 7/27/10 at <http://www.natureinstitute.org/pub/ic/ic16/cow.htm>)) as applied to claims 27, 28, 31-33, 35- 40 and 43 above further in view of Callaghan et al US 6,410,062 B1 (June 25, 2002 filed Jun. 2, 2000).

The combination of Gallili et al and Hasker et al as evidenced by Madey is set forth supra. Said combination does not teach that said single effective dose is applied via carrier web or that the prophylactic composition is a paste.

Callaghan et al teach ways in which treatments can be applied topically such as by spray or brush or applying via a impregnated treatment cloth wipes (i.e. a carrier web). Callaghan also teaches that topical treatment can be applied as ointment (i.e. salve or paste). See column 5 lines 57-65.

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to formulate the prophylactic composition of Gallili

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et al and Hasker et al as evidenced by Madey as an ointment (salve/paste) to apply directly to the exterior of the muzzle of said bovine and also it would have been prima facie obvious to apply said prophylactic composition of Gallili et al and Hasker et al as evidenced by Madey via a carrier web such as cloth wipe to the exterior of said muzzle, thus resulting in the instant invention with a reasonable expectation of success. The motivation to do so is because Callaghan et al suggest these modes of topical application that can reasonably be employed by a person of ordinary skill in the art at the time the instant invention was made to apply a prophylactic composition directly to the exterior of the muzzle of the bovine or cattle.

### ***Status of Claims***

19 Claims 23, and 27-43 are rejected. Claims 14 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.42(b) as being drawn to a nonelected invention. No claims allowed.

20 Art Made of Record Pertinent to Applicants disclosure:

The Straight Dope: why are dogs' noses always wet? (2001- Retrieved on 7/30/10 from <http://www.straightdope.com/columns/read/1455/why-are-dogs-noses-always-wet>)- teach that cows are the pre-eminent nose lickers as they can clean a little way up each nostrils with a swipe of the tongue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWATOSIN OGUNBIYI whose telephone number is (571)272-9939. The examiner can normally be reached on M-F 8:30 am- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oluwatosin Ogunbiyi/

Examiner, Art Unit 1645